



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,753	12/10/2003	Rahim Allagheband Zadeh	020713CON	6555
26285	7590	09/13/2005	EXAMINER	
KIRKPATRICK & LOCKHART NICHOLSON GRAHAM LLP			BAXTER, GWENDOLYN WRENN	
535 SMITHFIELD STREET			ART UNIT	
PITTSBURGH, PA 15222			PAPER NUMBER	

3632

DATE MAILED: 09/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/732,753

Applicant(s)

ZADEH, RAHIM ALLAGHEBAND

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 16-21, 28-32, 37, 50 and 51 is/are allowed.
- 6) ☒ Claim(s) 7-13, 22, 33, 34 and 38-49 is/are rejected.
- 7) ☒ Claim(s) 14, 15, 23-27, 35 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3632

This is the third Office action for application serial number 10/732,753, Vertical Slide Clip, filed December 10, 2003. This application is a continuation of application serial number, 09/912,098, now patent 6,688,069 B2.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,904,023 to diGirolamo in view of U.S. Patent No. 5,398,902 to Crowe. diGirolamo teaches a bracket comprising a first connector plate (72), second connector plate (80), a plurality of linear stiffener channels (74,74'), at least one stiffener region (82) and one or more fastener receiving holes (84). The first and second connector plates being integrally connected with each other substantially at a right angle so as to form a right angled juncture. The plurality of substantially linear stiffener channels disposed in the first connector plate. The at least one stiffener region embossed into the second connector plate. The one or more rows of fastener-receiving holes extending through the second connector plate and being disposed within the at least one embossed stiffener region therein for non-movably fastening the second connector plate to another one of the building components. Each of the one or more rows of holes being substantially parallel with any adjacent one of the one or more rows

Art Unit: 3632

of holes. Each one of the one or more rows of holes is disposed within a stiffener region. At least one of the one or more of rows of holes is substantially parallel with the right-angled juncture. At least one of the plurality of rows of holes is substantially perpendicular to the right-angled juncture. However, diGirolamo fails to teach a plurality of stiffeners disposed in the right angled juncture.

Crowe teaches a bracket for connecting a pair of substantially perpendicular to the right angled juncture. The bracket comprises a first and second connector plate integrally connected with each other at a right angle juncture. A plurality of stiffeners is disposed in the right angle juncture. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the angled juncture of diGirolamo to have incorporated the plurality of stiffeners along the stiffener channels as taught by Crowe for the purpose of improving the structural integrity of the bracket by attaching the stiffeners to the bracket.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over diGirolamo in view of Crowe, as applied to claims 7, 8, 10 and 11, and in further view of U.S. Patent No. 4,918,893 to Vandenbroucke. diGirolamo in view of Crowe teaches the limitations of the base claim, excluding each of the plurality of linear stiffener channels extends from a corresponding one of the plurality of stiffener channels in the right-angled juncture.

Vandenbroucke teaches a bracket having a first connector plate (7) and a second connector plate (11). The first and second connector plates form a right angled juncture, wherein the right angled juncture has a stiffener channel therein and a linear

Art Unit: 3632

stiffener channel extending from the stiffener channel (13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket as taught by diGirolamo in view of Crowe to have incorporated the combination of the stiffener channel and linear stiffener channel for increasing the mechanical rigidity of the bracket.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,664,392 to Mucha in view of U.S. Patent No. 5,454,203 to Turner. Mucha teaches a vertical slide clip comprising a first connector plate (14), a second connector plate (12), a plurality of elongated slots (30). The first connector plate is formed from a piece of metal material and has a pair of lateral ends with an upstanding flange (26) formed thereon. The second connector plate is formed from the piece of metal material at a right angle relative to the first connector plate to form a right-angled juncture therewith. A stiffener channel (16) is formed in the piece of metal and is disposed in the right-angled juncture. The plurality of elongated slots is in the second connector plate. However, Mucha fails to teach a plurality of stiffener channels and a score line on the second connector plate.

Turner teaches a bracket or clip having a first and second connector plate wherein one of the plates has score markings. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+). Additionally, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made a

Art Unit: 3632

plurality of stiffener channels, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,846,018 to Frobosilo in view of Vandenbroucke. Frobosilo teaches a clip comprising a first connector plate (14), a second connector plate (12), a plurality of second stiffener channels (30, 32), a pair of rows fastener holes (40a, 40n), and at least two holes (28a, 28b, 28n). The second connector plate is connected to the first connector plate and substantially protruding perpendicularly therefrom to form a right angled juncture therewith. The plurality of second stiffener channels is the first connector plate. The pair of rows of fastener holes through the second connector plate for receiving corresponding fastener therethrough to non-movably affix the second connector plate to the member. The at least two holes through the first connector plate for receiving other corresponding fastener therethrough to non-movably affix the first connector plate to another member. However, Frobosilo fails to teach a combination of a first stiffener channel and a second stiffener channel.

Vandenbroucke teaches a bracket having a first connector plate (7) and a second connector plate (11). The first and second connector plates form a right angled juncture, wherein the right angled juncture has a stiffener channel therein and a linear stiffener channel extending from the stiffener channel (13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the bracket as taught by Frobosilo to have incorporated the combination of

Art Unit: 3632

the stiffener channel and linear stiffener channel as taught by Vandembroucke for increasing the mechanical rigidity of the bracket (col.3, lines 43+).

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Frobosilo in view of Vandembroucke, as applied to claims 39 and 40, and in further view of Turner. Frobosilo in view of Vandembroucke teaches the limitations of the base claim, excluding fastener means comprises a score line.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings or lines (26). It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy penetration of nails (col 3, line 24+).

Claims 22, 38, and 42-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,920,713 to Borresen in view of U.S. Patent No. 5,454,203 to Turner. Borresen teaches a clip comprising a first connector plate (20), and a second connector plate (21). The first and second connector plates are at right angles. A first recessed stiffener region (surrounding 29) is in the second plate. A first elongated slot (29) is in the first recessed stiffener region. However, Borresen fails to teach a score line in the first connector plate.

Turner teaches a bracket or clip having a first and second connector plate wherein on of the plates have score markings. It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the second plate to have incorporated the score line for the purpose of allowing easy

Art Unit: 3632

penetration of nails (col 3, line 24+).

Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,587,555 to Rinderer in view of U.S. Patent No. 5,885,024 to Zupan. Rinderer teaches a clip comprising a first connector plate (44), a second connector plate (40), at least one elongated slot (70) and a score line (54). The first connector plate is formed from a piece of metal material. The second connector plate is formed from the piece of metal material such that the first and second connector plates form an L-shaped clip with a juncture therebetween. The at least one elongated slot is in the second connector plate and extends along an axis that is substantially perpendicular to the juncture. The score line is in the first connector plate. The score line is substantially parallel to the second connector plate. However, Rinderer fails to teach at least one stiffener disposed in the juncture between the first and second connector plates.

Zupan teaches a clip having a stiffener channel (16, 18) is formed in the piece of metal material and is disposed in the juncture between the first and second connector plates (14, 24). It would have been obvious to one having ordinary skill in the art at the time invention was made to have modified the juncture formed between the first and second connector plates as taught by Rinderer to have incorporated the stiffener channel as taught by Zupan for the purpose of providing a joint strengthening device (col. 4, line 6+).

Allowable Subject Matter

Claims 1-6, 16-21, 28-32, 37, 50 and 51 are allowed.

Claims 14, 15, 23-27, 35, and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later

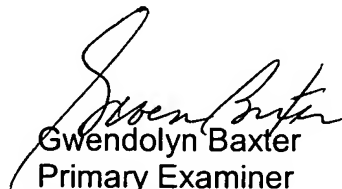
Art Unit: 3632

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

September 6, 2005